IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

W.A.No.1629 of 2000

AGAINST THE JUDGEMENT IN O.P.NO.11419/2000 DATED 23/05/2000

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APPELLANT/RESPONDENTS:-

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1. STATE OF KERALA,
   REPRESENTED BY THE CHIEF SECRETARY TO GOVT. OF KERALA,
   THIRUVANANTHAPURAM.

2. THE SUPERINTENDING ENGINEER,
   P.W.D.ROADS DIVISION, SOUTH CIRCLE, THIRUVANANTHAPURAM.

3. THE CHIEF ENGINEER, P.W.D., THIRUVANANTHAPURAM.

4. THE EXECUTIVE ENGINEER, P.W.D.ROADS DIVISION, KOLLAM.

5. THE ASST. EXECUTIVE ENGINEER, P.W.D. ROADS SUB DIVISION,
   KARUNAGAPPALLY.

BY SENIOR GOVERNMENT PLEADER SMT.MEERA.

RESPONDENT/PETITIONER:-

P.GOPI, P.W.D. CONTRACTOR,
KUZHIVELITHARAYIL, AYANIVELIKULANGARA SOUTH,
S.V.MARKET P.O., KARUNAGAPPALLY.

BY ADV. SRI.N.VIMALAN
SRI.BIJU M.JOHN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.Dattu,C.J. & K.T.Sankaran,J.

W.A.No.1629 of 2000

Dated, this the 4th day of July 2007

JUDGMENT

H.L.Dattu,C.J.

This appeal arises out of the order passed by the learned Single Judge in O.P.No.11419 of 2000 dated 23rd May, 2000.

2. A contractor was before this Court *inter alia* requesting this Court to direct the respondents in the Original Petition to settle a sum of Rs.2,55,072/- due to him by the respondents with 18% interest from the date of presentation of his bills.

3. The liability is not disputed by the State Government. Therefore, the learned Single Judge has disposed of the writ petition by directing the State Government to pay the admitted amount due to the petitioner within four months from the date of the order. If for any reason the respondents fail to pay the amount, the amount shall carry interest at 18%. Aggrieved by the said direction in so far as payment of interest is concerned, the State Government is before us in this appeal.

4. First and foremost, the State Government does not dispute its liability. A small contractor was before this Court requesting the Court to direct the respondents to pay his dues, in a sum of Rs.2,55,072/-. Since there was no dispute in so far as the claim is concerned, the learned Single Judge has disposed of the writ petition. Taking into consideration that the petitioner was not a big contractor, the learned Single Judge has thought it fit to give him some interest. That too again, if the State Government had not paid the admitted amount within four months. In our opinion, the direction so issued by

the learned Single Judge cannot be characterised as arbitrary, illegal or erroneous. Therefore, no interference is called for in this appeal and the same requires to be rejected and it is rejected. However, we make it clear that the order passed by the learned Single Judge in the aforesaid writ petition shall not be treated as a precedent in any other case.

Consequently, C.M.P.No.4384 of 2000 is also dismissed.

Ordered accordingly.

H.L.Dattu
Chief Justice

K.T.Sankaran
Judge

vku/-